

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**EDWARD NICHOLAS,**  
Plaintiff

v.

**DISTRICT JUSTICE MARSHA  
STEWART, et al.,**  
Defendants.

)  
)  
)  
)  
)  
)  
)

**C.A. No. 07-84 Erie**

**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

**I. RECOMMENDATION**

\_\_\_\_\_It is respectfully recommended that this case be dismissed for lack of subject matter jurisdiction.

**II. REPORT**

On April 27, 2007, Plaintiff filed with this Court a Petition for Writ of Certiorari to the United States Supreme Court. [Document # 1]. This Court does not have jurisdiction to certify any matter directly to the United States Supreme Court, as Plaintiff requests. As a result, this case should be dismissed for lack of subject matter jurisdiction.

**III. CONCLUSION**

\_\_\_\_\_For the foregoing reasons, it is respectfully recommended that this case be dismissed for lack of subject matter jurisdiction.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (c), and Local Rule 72.1.4B, the parties are allowed ten (10) days from the date of service to file written objections to this report. Any party opposing the objections shall have seven (7) days from the date of service of objections to respond thereto. Failure to timely file objections may constitute

a waiver of any appellate rights.

S/Susan Paradise Baxter  
SUSAN PARADISE BAXTER  
Chief U.S. Magistrate Judge

Dated: May 15, 2007

cc: The Honorable Sean J. McLaughlin  
United States District Judge